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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 ELIN SPELLMAN, on behalf of herself
16 and all those similarly situated;

17 Plaintiff,

18 vs.

CASE NO: C-05-00568-SBA

STIPULATION TO CONTINUE
SETTLEMENT CONFERENCE AND
PRE-TRIAL FILINGS; ORDER

19 HUMBOLDT COUNTY, HUMBOLDT
20 COUNTY SHERIFF GARY PHILP, IN
HIS INDIVIDUAL AND OFFICIAL
21 CAPACITIES, HUMBOLDT COUNTY
SHERIFF'S DEPARTMENT,
22 HUMBOLDT COUNTY SHERIFF'S
DEPUTIES DOES 1 THROUGH 50, AND
23 ROES 1 THROUGH 20, INCLUSIVE,

TRIAL DATE: June 19, 2006

24 Defendants.

1 The parties to this action represent, stipulate and jointly respectfully request the
2 following:

3 1. That the settlement conference presently scheduled before Magistrate Judge
4 Bernard Zimmerman on May 11, 2006, be rescheduled to a Magistrate Judge who is able
5 to hear the settlement conference on **June 12, 2006**, or be vacated. Defendants are
6 informed that Magistrate Judge Zimmerman is on vacation from May 15, 2006, through
7 June 6, 2006, and that the Magistrate's calendar is completely booked until July or
8 August, 2006. The current trial date in this matter is **June 19, 2006**. The reason for the
9 request is that the hearing on defendants' motion for summary judgment has been
10 rescheduled to May 23, 2006, and settlement discussions will be unproductive and
11 potentially unnecessary, prior to this hearing; and

12 2. That the Court's Order dated April 24, 2006, reschedules the pre-trial
13 conference for **June 13, 2006**. As instructed, the pre-trial preparation documents are due
14 no later than May 23, 2006 (the current hearing date of defendants' motion for summary
15 judgment), motions in limine and objections to evidence are due no later than May 30,
16 2006, and responses to motions in limine and objections to evidence are due no later than
17 June 6, 2006. The parties respectfully request that these dates be adjusted slightly to
18 allow the Court time to rule on defendants' motion for summary judgment, as follows:
19 pre-trial preparation documents due no later than **May 26, 2006**, motions in limine and
20 objections to evidence due no later than **June 2, 2006**, and responses to motions in limine
21 and objections to evidence due no later than **June 6, 2006**.

22 DATED: April 27, 2006

Respectfully submitted,

23 MITCHELL, BRISSE, DELANEY & VRIEZE

24 By: _____

25 Nancy K. Delaney
26 Attorneys for Defendants

1 DATED: April 27, 2006

Respectfully submitted,

2 LAW OFFICE OF MARK E. MERIN

3
4 By: _____

Mark E. Merin

Attorneys for Plaintiff

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7 **ORDER**

8 IT IS HEREBY ORDERED that the settlement conference presently scheduled for
9 May 11, 2006, be vacated to be rescheduled, if necessary, after resolution of defendants'
10 motion for summary judgment or [be continued to **June 12, 2006**, at _____ a.m./p.m.
11 before _____] and that the pre-trial preparation documents are due
12 no later than **May 26, 2006**, motions in limine and objections to evidence are due no later
13 than **June 2, 2006**, and responses to motions in limine and objections to evidence are due
14 no later than **June 6, 2006**.

15 DATED: 5/8/06

16 HONORABLE JUDGE SAUNDRA B. ARMSTRONG
17 UNITED STATES DISTRICT COURT JUDGE

